

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**SB 3003 – HB 3428**

April 12, 2010

**SUMMARY OF AMENDMENTS (015381, 015912):** Amendment 015381 deletes all language after the enacting clause. Requires courts to assess a one-time per case \$50 administrative fee from persons who are appointed counsel in termination of parental rights cases. Such fee shall be waived or reduced by the court upon a finding that the defendant is indigent. Authorizes the court to increase the fee to a maximum of \$200 if the defendant possesses sufficient financial resources. Authorizes the court clerk to retain a commission of five percent of each dollar of administrative fees collected and to transmit the remaining 95 percent to the State Treasurer for deposit in the general fund. Failure to pay the administrative fee can be used as evidence of the defendant's lack of financial responsibility. The administrative fee and any recoupment or contribution ordered for the services of court-appointed counsel shall apply and shall be collected even if the charges against the defendant are dismissed. Requires the court clerk, as part of the clerk's regular monthly report, to file a report with the court and the administrative director of the courts indicating the number of defendants appointed with court-appointed counsel, the number of defendants for whom the court waived the administrative fee, the number of defendants from whom the clerk collected administrative fees, the total amount retained by the clerk from administrative fees, and the total of administrative fees forwarded to the State Treasurer. Amendment 015912 deletes the amendatory language of Section 2 of the original bill. States the failure to pay the administrative fee assessed by the court shall not reduce or in any way affect the rendering of services by court-appointed counsel. Failure to pay the fee may be considered by the court as an enhancement factor when imposing sentence and can be used as evidence of the defendant's lack of financial responsibility in a determination of the best interest of the child.

**FISCAL IMPACT OF ORIGINAL BILL:**

Increase State Revenue - \$22,700

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:**

**Increase State Revenue – Exceeds \$21,600**

**Increase State Expenditures – Not Significant**

**Increase Local Revenue – Exceeds \$1,100**

**Increase Local Expenditures – Not Significant**

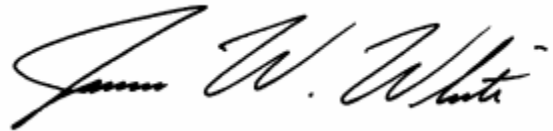
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Assumptions applied to amendments:

- The proposed amendment is outside the caption of the bill.
- For the period FY06-09, there has been an average of 454 cases that would be assessed at least \$50 for the administrative fee as a result of this amendment (454 cases x \$50 = \$22,700). The court clerk will retain five percent resulting in an increase in local revenue exceeding \$1,135 ( $\$22,700 \times 5\%$ ). The remaining \$21,565 ( $\$22,700 - \$1,135 = \$21,565$ ) will be deposited in the general fund.
- The court is authorized to assess an amount up to \$200. It is not possible to determine how many cases the court will assess more than \$50.
- Any additional cost to local or state government can be accommodated within existing resources without an increased appropriation or reduced reversion.

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with a large initial "J" and a distinct "W".

James W. White, Executive Director

/lsc